

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P18859WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/052688	International filing date (<i>day/month/year</i>) 28.10.2004	Priority date (<i>day/month/year</i>) 31.10.2003
International Patent Classification (IPC) or national classification and IPC A61B6/04		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>8</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/052688

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 6-9 as originally filed/furnished
- pages* 1-5, 5a received by this Authority on 02.05.2005 with letter of 27.04.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-6 received by this Authority on 02.05.2005 with letter of 27.04.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2, 2/2 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☒ the description, pages 1-5, 5a
- ☒ the claims, nos. 1-6
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/052688

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	3, 5	YES
	Claims	1, 2, 4	NO
Inventive step (IS)	Claims	3	YES
	Claims	1, 2, 4, 5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
This report makes reference to the following documents:			
D1: US6637056 B			
D2: US2002/0112288 A			
1. Reasoned statement with regard to the novelty (PCT Article 33(2)) and inventive step (PCT Article 33(3)) of the originally filed claims 1-5:			
1.1 PCT Article 6			
A patient-supporting device for a computer tomograph must be construed to mean merely a patient-supporting device which is suitable for a computer tomograph. Moreover, claim 1 relates to a patient-supporting device; features relating to the computer tomograph are superfluous and do not restrict the subject matter of claim 1.			
Moreover, the expression used in claim 1, "bracket mounted on or at the base", is unclear; the base is not defined (it does not relate to the patient-supporting device) and it is unclear whether the (undefined) computer tomograph is part of the patient-supporting			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>device. As a result, the definition of the claimed subject matter is unclear (PCT Article 6).</p> <p>1.2 PCT Article 33(2)</p> <p>Regardless of the above-mentioned lack of clarity, the subject matter of claims 1, 2 and 4 is not novel (PCT Article 33(2)), and therefore the requirements of PCT Article 33(1) are not met.</p> <p>1.2.1 Document D1 discloses (the references in parentheses are to that document):</p> <p>a patient-supporting device (10) for a computer tomograph (column 1, lines 20-25) comprising a gantry mounted on a base (column 1, lines 40-53; figure 1); the patient-supporting device comprises a bed guide (106) for a patient bed (108) and a bracket (16) mounted on the base by a revolute joint rotatable about a horizontal axis. The bed guide is mounted on the bracket by a revolute joint rotatable about a horizontal axis, and the height of the bed guide is adjustable (figures 6 and 7; column 6, line 52 - column 7, line 7).</p> <p>Figures 6 and 1 show a patient-supporting device mounted on the base of a tomograph. The subject matter of claims 1 and 2 is thus not novel (PCT Article 33(2)).</p> <p>1.2.2 The subject matter of claim 4 is also not novel (PCT Article 33(2)); see, in particular, document D1, claims 1, 12 and 14.</p>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/052688

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1.3 PCT Article 33(3)

A patient-supporting device (as per **claim 5**) arranged on both sides of a computer tomograph is well known to a person skilled in the art and is often used; see document D2, in particular figure 5. It would therefore be obvious for a person skilled in the art to apply these features to a computer tomograph, to like effect, without an inventive input (PCT Article 33(3)).

1.4 The combination of features in dependent **claim 3** is neither known from nor suggested by the available prior art.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

BOX I**Basis of the report**

1. The amendments submitted with the letter of 27 April 2005 introduce substantive matter which goes beyond the original disclosure in the international application as filed, thereby contravening PCT Article 34(2)(b).

1.1 None of the figures, including their description, clearly indicates that the revolute joint (17, 17') is not located below the bed guide ("below", by the way, is an unclear and ambiguous term (PCT Article 6)), when the bed guide (7, 7') is partially lowered.

Figure 3 shows a revolute joint (17, 17') below the bed guide (7, 7'); the revolute joint (17') is clearly located below the bed guide (7') in its partially lowered position.

Moreover, the description and figure 2 do not indicate that there is anything that could prevent the bed guide (7) in figure 2 from being further lifted; thus there would be a series of positions in which the revolute joint (17) would be located below the bed guide when the bed guide (7) is partially (slightly) lowered.

The amended claims 1 and 4 now exclude these positions. As a result, the amended feature in claims 1 and 4 introduces substantive matter which goes beyond the original disclosure in the international application as

Supplemental Box

filed, and thereby contravenes PCT Article 34(2)(b).

1.2 Moreover, the patient-supporting device comprises a bracket mounted *in particular* on or at the base by a revolute joint at its end on the side of the head or the base. In the disclosure in the application as originally filed, the patient-supporting device comprises a bracket mounted (only) on or at the base by a revolute joint; the application thus contravenes PCT Article 34(2)(b).

1.3 The replacement of the expression "is mounted" by "can be mounted" also represents an extension beyond the disclosure of the application as originally filed, and contravenes PCT Article 34(2)(b).